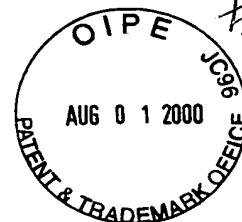


DECLARATION FOR PATENT APPLICATION



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ***Method and Apparatus to Establish and Optimize Sedimentation and Methane Fermentation in Primary Wastewater Ponds*** the specification of which

☐ is attached hereto.

☒ was filed on April 19, 2000 as Application Serial No. 09/552,576 and was amended on _____. (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Date Filed)

Yes ☐

No ☐

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

60/130,210
(Application Serial No.)

April 20, 1999
(Filing Date)

Direct all telephone calls to William S. Galliani at (650) 493-4935. Address all correspondence to:

PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, CA 94304

File No. 9840-041-999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

William J. Oswald

Inventor's signature:

William J. Oswald

Date:

5/23/00

Residence:

1081 St. Francis Drive, Concord, CA 94518

Citizenship:

USA

Post Office Address:

1081 St. Francis Drive

Concord, CA 94518

Full name of second joint inventor, if any:

Franklin Bailey Green, Ph.D.

Inventor's signature:

Franklin Bailey Green

Date:

5/23/00

Residence:

32 Kingston Road, Kensington, CA 94707

Citizenship:

USA

Post Office Address:

32 Kingston Road

Kensington, CA 94707

#3

PATENT

Attorney Docket No.: 009840-0041-999

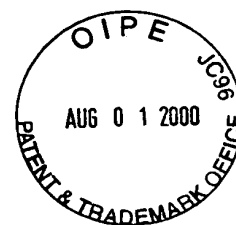
Applicant: Oswald and Green
Serial No.: 09/552,576

Filed: April 19, 2000

For: Method and Apparatus to Establish and Optimize
Sedimentation and Methane Fermentation in Primary
Wastewater Ponds

Group: Not yet assigned

Examiner: Not yet assigned



**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Ann L. Gisolfi (Reg. No. 31956), Mark A. Farley (Reg. No. 33170), Gary S. Williams (Reg. No. 31066) and William S. Galliani (Reg. No. 33885), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisional of 37 C.F.R. 3.71. Provided that if any one of said attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application:

☐ was recorded on _____ at reel/frame ____.


☒ is submitted herewith for recording.

Please direct all telephone calls to William S. Galliani at (650) 493-4935, and direct all correspondence relative to said application to the following address:

PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, CA 94304

Date: JUNE 19, 2000

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature: 
Typed Name: William A. Hoskins
Title: Director
Office of Technology Licensing
2150 Shattuck Ave., Suite 510
Berkeley, CA 94720-1620

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Oswald and Green

Group Art Unit: Not yet assigned

Application No.: 09/552,576

Examiner: Not yet assigned

Filed: April 19, 2000

Attorney Docket No.: 9840-0041-999
(B99-090-1)

For: *Method and Apparatus to Establish and
Optimize Sedimentation and Methane
Fermentation in Primary Wastewater Ponds*



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization The Regents of the University of California

Address of organization 2150 Shattuck Ave., Suite 510, Berkeley, CA 94720-1620

Type of organization:

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
- ☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled by inventor(s) William J. Oswald and Franklin Bailey Green, described in

- ☐ the specification filed herewith
- ☒ application no. 09/552,576 filed April 19, 2000
- ☐ patent no. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the

inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:


PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, CA 94304

Direct Telephone calls to:
William S. Galliani
PENNIE & EDMONDS LLP
(650) 493-4935

Name of person signing William A. Hoskins

Title of person other than owner Director

Address of person signing Office of Technology Licensing
2150 Shattuck Ave., Suite 510, Berkeley, CA 94720-1620

Signature  Date June 19, 2000

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)